REMARKS

I. Introduction

In response to the Office Action dated December 24, 2008, Applicants have amended claims 1, 4 and 6-9 in order to further clarify the present disclosure and to overcome the § 112 rejections of claims 9 and 10. Support for the amendments to claim 1 may be found, for example, in claims 6 and 10, and support for the amendments to claim 4 may be found, for example, in claims 8 and 11. In addition, claims 10 and 11 have been cancelled, without prejudice. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1, 4 And 6-11 Under 35 U.S.C. § 102 and 103

Claim 4 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Muller (DE 3739675); and claims 4 and 8 as being anticipated by Wold (USP No. 2,364,334). Furthermore, Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Muller in view of Yutaka (JP 2002-137225); claims 1 and 6 over Wold in view of Muller and Yutaka; claim 7 over Wold in view of Muller and Yutaka and further in view of Argiropoulos (USP No. 5,787,751); claim 9 over Wold in view of Argiropoulos; claim 10 over Wold in view of Argiropoulos and further in view of Hirose (USP No. 5,682,657); and claim 11 over Wold in view of Muller, Yutaka and Argiropoulos and further in view of Hirose. As the limitations of claims 6 and 10 have been incorporated into claim 1, and as the limitations of claims 8 and 11 have been incorporated into claim 4, Applicants will refer to claims 1 and 4 when addressing the rejections

of claims 6 and 10, and 8 and 11, respectively. Applicants respectfully traverse these rejections of the pending claims for at least the following reasons.

Amended independent claim 1 recites a method for removing a dissimilar material which is attached to a plastic product and is different from the material of the plastic product. The method involves placing the plastic product on a seat unit and punching out the dissimilar material by moving a blade unit down from an upper position relative to the seat unit with a working unit which is located lower than the seat unit and the blade unit. The punched out dissimilar material is guided by a first guide unit disposed to be inclined beside the working unit, and by a second guide unit disposed on the opposite side of the working unit from the first guide unit. In addition, the seat unit is arranged to be movable relative to the working unit in a horizontal direction and the first guide unit, the working unit and the second guide unit are aligned in the horizontal direction.

Similarly, amended independent claim 4 is an apparatus for removing dissimilar material comprising a seat unit on which the plastic product is placed, a punching unit having a blade unit configured to punch out the dissimilar material, and a working unit located lower than the seat unit and the blade unit and configured to move the blade unit down from an upper position relative to the seat unit. The apparatus also comprises a first guide unit disposed to be inclined beside the working unit, and arranged to guide the punched out dissimilar material and a second guide unit disposed on the opposite side of the working unit from the first guide unit and to be inclined beside the working unit, and arranged to guide the punched out dissimilar material. The seat unit is arranged to be movable relative to the working unit in a horizontal direction, and the first guide unit, the working unit and the second guide unit are aligned in the horizontal direction.

One feature of amended claims 1 and 4 is that the apparatus and method involve a configuration in which the seat unit, the first guide unit, the working unit and the second guide unit are aligned in the horizontal direction. In other words, these elements are arranged in the same direction in which the seat unit is movable relative to the working unit.

In contrast to amended claims 1 and 4, neither Muller, Wold, Yutaka, Argiropoulos nor Hirose teach or suggest that the first guide unit, the working unit, and the second guide unit are aligned in the horizontal direction. As is admitted in the Office Action, Muller, Wold, Hirose and Yutaka all fail to disclose that the punched out dissimilar material is guided by a first and second guide unit, or that the first and second guide units and the working unit are aligned in the horizontal direction.

Since Muller does not disclose the first and second guide units recited in amended claim 1, Muller does not also disclose that the punched out dissimilar material is guided by the first guide unit disposed to be inclined beside the working unit, and the punched out dissimilar material is guided by the second guide unit disposed on the opposite side of the working unit from the first guide unit. That is, Muller does not disclose and suggest that the first guide unit, the working unit and the second guide unit are disposed aligned in the horizontal direction.

Moreover, with the device disclosed in Muller, operators need to remove material punched out at short intervals. Therefore, Muller does not suggest the method and the apparatus that can efficiently correct the materials punched out as recited in amended claims 1 and 4.

Wold discloses just one guide unit (59) that guides metal plate punched out, and accordingly, Wold does not disclose the two guide units disposed as recited in amended claims 1 and 4. Also, it is not possible to position a guide unit beside the working unit (18, 33, 34, 35),

because an electric drive motor (18) of this working unit is disposed beside the other parts (33, 34, 35) and there is not space for arranging one more guide unit. As such, Wold does not disclose and suggest that the first guide unit, the working unit and the second guide unit are disposed aligned in the horizontal direction.

Yutaka discloses a guide unit arranged to guide labels punched out, but this guide unit is disposed under the actuator 114 (working unit) in a vertical direction. This working unit (114) is disposed above a blade unit (16) and a seat unit (44), and a guide unit and correction box are disposed under the seat unit (44). Therefore, Yutaka does not disclose the first guide unit disposed to be inclined beside the working unit, and the second guide unit disposed on the opposite side of the working unit from the first guide unit and to be inclined beside the working unit. In other words, Yutaka does not disclose and suggest that the first guide unit, the working unit and the second guide unit are disposed aligned in the horizontal direction. As a result, Yutaka does not disclose and suggest the method and the apparatus that can efficiently correct the materials punched out as recited in amended claims 1 and 4.

In addition, as Hirose does not disclose first and second guide units arranged to guide punched out material, Hirose does not disclose and suggest that the first guide unit, the working unit and the second guide unit are disposed aligned in the horizontal direction.

It is alleged that Argiropoulos teaches two opposing chutes which direct cut material to alternate stations. However, Argiropoulos does not disclose that the first and second guide units, and the working unit are aligned in the horizontal direction. As can be seen in Fig. 3, the cutting station 2 is arranged perpendicular to the direction of alignment of the first and second guides unites 9 and 20 and the working unit 15.

In contrast, the present disclosure teaches and shows in Fig. 3 that the seat unit 4 is arranged to be movable relative to the working unit 2 in a horizontal direction and the first guide unit 8, the working unit 2 and the second guide unit 8 are aligned in the horizontal direction.

Accordingly, it is clear that the combination of Muller, Wold, Yutaka, Argiropoulos and Hirose fail to teach or suggest all of the limitations of independent claims 1 and 4 of the present disclosure,

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. As is clearly shown, the Akio and Yutaka do not disclose a seat unit arranged to be movable relative to the working unit in a horizontal direction, and a first guide unit, a working unit and a second guide unit are aligned in the horizontal direction. Accordingly, Applicant submits that Muller, Wold, Yutaka, Argiropoulos and Hirose do not render claims 1 and 4 of the present disclosure obvious and as such, claims 1 and 4 are patentable and allowable over the cited prior art. Accordingly, Applicant respectfully requests that the § 103(a) rejection of claims 1 and 4 be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 4 are patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance. As such, Applicant respectfully submits that the new claims 6-11 are allowable over the cited prior art.

IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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